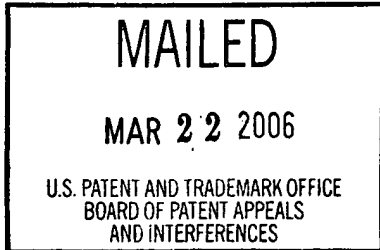


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ORAN D. TARLTON

Application No. 09/369,134

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on March 4, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On March 14, 2003, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that the information contained therein pertaining to the appeals conference is not in compliance with the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., 2003). The MPEP states in part:

An appeal conference is mandatory in all cases in which an acceptable brief . . . has been filed. . . .

On the examiner's answer, below the primary examiner's signature, the word "Conferee should be included, followed by **the typed or printed names** of the other two appeal conference participants. **These two appeal conference participants must place their initials next to their**

Application No. 09/369,134

name. This will make the record clear that an appeal conference has been held. (Emphasis added)

The answer is signed by a Group (Tech Center) 3600 Supervisory Patent Examiner but the conferees have not placed their signed name/initials next to the typed initials as required by MPEP § 1208 as noted above. Correction is required.

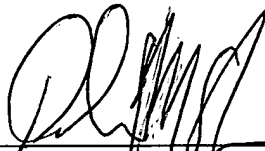
Accordingly, it is

ORDERED that the application is being returned to the Examiner:

- (a) for the examiner to submit a Revised Examiner's Answer containing the conferees' signed name/initial next to the typed initials as required,
- (b) for the Examiner to mail a copy of the revised answer to appellants, and
- (c) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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